

REMARKS

Claims 7-31 are pending in this application. By this Amendment, the specification and claim 10 are amended. The specification is amended to correct typographical errors, and contains no new matter. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections based on the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

I. INFORMALITIES

A substitute specification was submitted with the Amendment filed August 20, 2003. This substitute specification was filed in response to the objection to the specification under 35 U.S.C. §112, first paragraph, in the Office Action dated May 20, 2003, in which the Examiner indicated "[t]he specification should be revised carefully in order to comply with 35 U.S.C. §112, first paragraph." However, the Office Action dated October 14, 2003 does not specifically indicate that the substitute specification has been accepted. It is therefore assumed that, for

purposes of this reply, the substitute specification has been accepted. The amendments to the specification filed herewith simply delete strikethrough characters which should have been deleted in the transition from a mark up version to a clean version of the substitute specification. Accordingly, no new matter is added.

II. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Office Action rejects claim 10 under 35 U.S.C. §112, second paragraph. Applicants believe that the previously pending version of claim 10 satisfied §112 because the term “the supports” finds antecedent basis in claim 8, from which claim 10 depends. However, to further advance prosecution, claim 10 has been amended to provide even greater clarity. The amendments made to claim 10 are responsive to the Examiner's comments, and thus the rejection of claim 10 under 35 U.S.C. §112, second paragraph should be withdrawn.

III. REJECTION UNDER 35 U.S.C. §103(a)

The Office Action rejects claims 7-31 under 35 U.S.C. §103(a) as being unpatentable over Raasch (hereinafter “Raasch”), U.S. Patent No. 3,477,559, in view of Kieronski et al., U.S. Patent No. 4,099,609 (hereinafter “Kieronski”), and further in view of Margaroli et. al., U.S. Patent No. 3,556,281 (hereinafter “Margaroli”), and Yutaka et al., U.S. Patent No. 6,074,158 (hereinafter “Yutaka”). The rejection is respectfully traversed.

Independent claims 7 and 11 both recite, *inter alia*, a guide proximate to the transfer area, wherein the guide is configured to sequentially align and guide the plurality of sleeves transported by the carrier to a loading area of the device testing apparatus. Raasch neither discloses nor suggests such features.

Raasch discloses a pickup device for conveying textile coils, in which a magazine 1 containing a number of spinning cops 2 is positioned adjacent a carrier 6. The carrier 6 is formed by an endless belt assembly, and includes a number of troughs 5 formed by entrainer structures 7. The carrier 6 is fitted around roller assemblies 8 and 9, and a shaft 8a of the lower roller assembly 8 is driven by a motor 10 to move the belt 6 in the direction shown by arrow 11. A cop 2 is loaded from the magazine 1 onto a trough 5 and conveyed toward a supply chute 4, where it is loaded into a fabricating machine (not shown).

The entrainers 7 which form the troughs 5 are fastened to the carrier 6 by screw bolts 7a, and entrainer 7 positioning can be adjusted depending on a desired trough width 5a. More particularly, the positioning of longitudinal wall structures 51a and 51b can be adjusted relative to each other, as well as relative to adjacent wall structures 50b and 52a, and ends 50b' and 51a' are bent at a 90 degree angle to ensure cops 2 do not drop into the space between wall structures 50b and 51a.

The pickup device taught by Raasch is clearly directed at facilitating the individual pickup and transport of textile coils (see column 1, lines 26-30 and 61-63), and not at properly aligning

the coils prior to loading in the fabrication machine. Individual sequencing of the cops 2 is accomplished by the relative sizing and spacing of the troughs 5 and the cops 2, which allows for only one cop 2 to be transported by each individual trough 5. Further, this sequencing is accomplished as the cops 2 are picked out of the magazine and loaded onto a trough 5 at a lower end of the carrier. At no point does Raasch teach or suggest that his pickup device can do anything other than individually pick up and transport the coils, nor does Raasch teach or suggest that proper alignment is required in loading the cops 2 into the fabrication machine.

The Examiner attempts to draw a comparison between the supply chute 4 taught by Raasch and the guide recited in independent claim 7. *Webster's New World Dictionary* defines the word chute as "[a]n inclined or vertical trough or passage down which something may be slid or dropped." Clearly, as set forth above, any sequencing of the cops 2 is accomplished by their individual loading into the troughs 5, and the chute 4 merely provides a passage, or bridge, without any suggestion of alignment, to the fabrication machine (see column 4, lines 35-38). Raasch does not in any way teach or suggest that the chute 4 is configured to sequentially align and guide the cops 2.

Accordingly, it is respectfully submitted that independent claims 7 and 21 are allowable over Raasch. Further, Kieronski fails to overcome the deficiencies of Raasch, as Kieronski is cited merely to teach the use of a rotary return means. Additionally, Margaroli fails to overcome the deficiencies of Raasch and Kieronski, as Margaroli is merely cited to teach the use of a pulley

driven rotary return means. Likewise, Yutaka fails to overcome the deficiencies of Raasch, Kieronski, and Margaroli, as Yutaka is merely cited to teach the use of the claimed apparatus in a testing apparatus. Further, the Examiner's piecemeal reconstruction of the claimed invention using four references is clearly based on impermissible hindsight gleaned from Applicants' own disclosure.

Accordingly, it is respectfully submitted that independent claims 7 and 21 are allowable over the applied combination of references. Dependent claims 8-20 are allowable at least for the reasons discussed above with respect to independent claim 7, from which they ultimately depend, as well as for their added features. Dependent claims 22-31 are allowable at least for the reasons discussed above with respect to independent claim 21, from which they ultimately depend, as well as for their added features. Withdrawal of the rejection of claims 7-31 under 35 U.S.C. §103(a) over Raasch in view of Kieronski, Margaroli, and Yutaka is respectfully requested.

IV. CONCLUSION

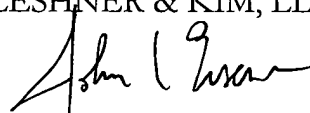
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Serial No. 09/973,911
Amdt. dated February 27, 2004
Reply to Office Action of October 14, 2003

Docket No. MRE-0034

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "John C. Eisenhart", written over a vertical line that separates the signature from the printed name below.

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